

The Middletown Zoning Board of Review Minutes June 26, 2012

The Middletown Zoning Board of Review was held on June 26, 2012 at 7:00 p.m. Present at this meeting were Chairman- Peter Van Steeden, Vice-Chairman -Tom Silveira, Secretary- Lucy Levada, voting board members- Steve Mac Gillivary and Charles Vaillincourt, Alternates-James Miller, Nick Pasyanos and Olin Gambrell. Building Official- Jack Kane and Town Solicitor- Michael Miller.

A motion was made by Steve MacGillivary and second by Lucy Levada to accept the May 22, 2012 minutes of James Miller. Motion granted 5-0

CONTINUANCES/WITHDRAWALS:

- 1. Petition of: Catharine Costakos-----July 24,2012**
- 2. Petition of: Seal Rock LLC.-----July 24,2012**
- 3. Petition of: John Gullison &Bonnie Zimble-----July 24,2012**
- 4. Petition of: ACP Land, LLC. (2)----- July 24,2012**

A motion was made by Charles Vaillincourt and second by Steve MacGillivary to send the ACP, DPD to Planning Board meeting July 11, 2012 Motion Granted 5-0.

CASES HEARD:

- 1. Petition of:- Newport Restoration Foundation-51 Touro St. Newport, R.I. (owner)- for a variance from Section 1027 D-to replace an existing**

non-conforming pole sign with a 15.75 sq. ft. pole sign with a height of 11'-8". Said real estate is located at 2009-15 West main Rd. and further identified as Lot 1 on Tax Assessor's Plat 110.

James Miller recused from this petition.

A motion was made by Tom Silveira and second by Charles Vaillincourt to grant the petition. Petition granted 5-0

2. Petition of : Cameron & Nichole Appleton- 395 Wolcott Ave. Middletown R.I.-(owner)- for a variance from sections 603,701, & 803G- to allow the construction of a 4'x18' addition to the north side of the garage with a front yard setback of 4' where 25' is required and resulting in lot coverage of 29% where 25% is allowed. Said real estate is located at 395 Walcott Ave. and further identified as Lot 188 on Tax Assessor's Plat 116 NE.

A motion was made by Charles Vaillincourt and second by Tom Silveira to grant the petition. Petition Granted 5-0.

3. Petition of: Manuel & Riley - 92 Green Lane –Middletown, R.I.(owner) for a variance from sections 603,701, & 803G to construct a 12'x12' deck addition with a roof having a left side yard setback of 15' where 20 is required and a rear yard setback of 20' where 50' is required, Said real estate is located at 92 Green Lane and further identified as Lot 17 on Tax Assessor's Plat 105.

A motion was made by Tom Silveira and second by Charles Vaillincourt to grant the petition as there was no other location.

Petition granted 5-0.

4. Petition of : 58 Aquidneck Ave. LLC- #2 -Middletown, R.I (owner)- for a Variance from section 1304- to allow a restaurant/coffee shop with (4) off street parking spaces where (6) spaces are required. Said real estate is located at 58 Aquidneck Ave. and further identified as Lot 1800 & 1801 on Tax Assessor's Plat 116 NW.

The owner of this unit (58A) is also the owner of the adjacent unit (58B) and operates the residing Subway restaurant

Exhibit #1- Hours for Tea/Coffee Shop stated they expect that there unit will do most of the business before 11:00am.

Exhibit #2- Subways hours will increase starting at that time

A motion was made by Charles Vailincourt and second by Tom Silveira to grant the petition with a condition that the employees park off site. Petition granted 5-0

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5. Petition of: Fred T. Kirby Trust-305 Turner Road-Middletown, R.I.(owner)- for a Special Use Permit from Section 803A to allow the square footage of Lot 227 to be reduced by 20,097.97' which will increase the extent of the non-conforming use. Said real estate located at 305 Turner Rd. and further identified as Lot 182 on Tax Assessor's Plat 113.

Attorney Bill Harvey represented Mr. Fred Kirby Trust. Mr. Alan Kirby 15 Ward Ave. has lived there for 35 years and has his Landscaping Business also there and no changes will be made.

A motion was made by Charles Vailincourt and second by Tom Silveira to grant the petition with a condition # 1- That this is being passed by the Zoning Board only if this petition has been approved by Planning Board. Petition granted 5-0

6. Petition of: Judith Tucker-106 Beacon St.-Middletown, R.I.-(owner)- Geremia Builders, LLC- 9 Lowndes St. Newport, R.I. (applicant)- for a Variance from Sections 603, 701 to construct a two story single family dwelling with a left side yard setback of 9' and a right side yard setback of 7' where 15' is required. Said real estate is located at 106 Beacon St. and further identified as Lot 182 on Tax Assessor's Plat 108NW.

Judith Tucker was sworn and made testimony and then Geremia Builders

The applicant was sworn in and testified that this is in compliance with the surrounding area, no garage this was 2 separate lots purchased in 1985 as spec house. This is the only way that they can put the house on this lot or the front door would be facing the neighbor's back door. Abutters Manuel Mello, Justin Casey, stated that there is off street parking and have no problem with this petition. Justin Casey 18 Beacon Terrace was sworn and testified that 6'2" from lot line and 7' setback is to close.

A motion was made by Steve MacGillivray and second by Lucy Levada to grant the Petition. Petition denied 3-2 with Charles Vailincourt and Peter Van Steeden voting in the negative. Petition not granted.

Meeting Adjourned 8:30

Respectfully Submitted

Lucy R. Levada -Secretary